



General Assembly

February Session, 2006

Substitute Bill No. 5092

* _____ HB05092AGEPH_030706 _____ *

AN ACT CONCERNING THE ADMISSION AND CARE OF PATIENTS IN NURSING HOMES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-359 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) For purposes of this section, the terms "mentally ill" and
4 "specialized services" shall be as defined in Subsections (e)(7)(G)(i) and
5 (iii) of Section 1919 of the Social Security Act and federal regulations
6 and "trained staff" means staff trained in behavioral risk assessment
7 and risk management appropriate for a nursing home setting.

8 [(b) No nursing facility shall admit any person, irrespective of
9 source of payment, who has not undergone a preadmission screening
10 process by which the Department of Mental Health and Addiction
11 Services determines, based upon an independent physical and mental
12 evaluation performed by or under the auspices of the Department of
13 Social Services, whether the person is mentally ill and, if so, whether
14 such person requires the level of services provided by a nursing
15 facility and, if such person is mentally ill and does require such level of
16 services, whether the person requires specialized services. A person
17 who is determined to be mentally ill and not to require nursing facility
18 level services shall not be admitted to a nursing facility. In order to
19 implement the preadmission review requirements of this section and

20 to identify applicants for admission who may be mentally ill and
21 subject to the requirements of this section, nursing facilities may not
22 admit any person, irrespective of source of payment, unless an
23 identification screen developed, or in the case of out-of-state residents
24 approved, by the Department of Social Services has been completed
25 and filed in accordance with federal law.]

26 (b) A nursing facility may not admit any person, irrespective of
27 source of payment, unless an initial identification screen developed, or
28 in the case of out-of-state residents, approved by the Department of
29 Social Services to identify whether such person may be mentally ill has
30 been completed and filed in accordance with federal law. A nursing
31 facility shall not admit any applicant to the nursing facility who is
32 initially identified as having a mental illness, irrespective of source of
33 payment, unless: (1) Such applicant has undergone a second
34 preadmission screening process by which the Department of Mental
35 Health and Addiction Services determines whether the applicant is
36 mentally ill, based upon an independent physical and mental
37 evaluation performed by or under the auspices of the Department of
38 Social Services, and, if so, whether such person requires the level of
39 services provided by a nursing facility and, if such person is mentally
40 ill and does require such level of services, whether the person requires
41 specialized services, and (2) the nursing facility has been provided
42 with a copy of the second preadmission screening. A person who is
43 determined to be mentally ill and not to require nursing facility level
44 services shall not be admitted to a nursing facility.

45 (c) The Commissioner of Mental Health and Addiction Services,
46 after consultation with the Commissioner of Public Health, shall
47 develop a recommended curriculum guide and continued training
48 syllabus for trained staff. The curriculum guide and training syllabus
49 shall include information on caring for patients with dementia, as
50 defined in the most recent edition of the American Psychiatric
51 Association's "Diagnostic and Statistical Manual of Mental Disorders".

52 ~~[(c)]~~ (d) No payment from any source shall be due to any nursing

53 facility that admits a resident in violation of the preadmission
54 screening requirements of this section.

55 ~~[(d)]~~ (e) A nursing facility shall: ~~[notify]~~ (1) Notify the Department
56 of Mental Health and Addiction Services when a resident who is
57 mentally ill undergoes a significant change in condition or when a
58 resident who has not previously been diagnosed as mentally ill
59 undergoes a change in condition which may require specialized
60 services, and (2) provide semiannual reports to the Department of
61 Mental Health and Addiction Services on the status and condition of
62 residents with mental illness receiving services from the department.
63 Upon ~~[such notifications]~~ any notification as provided in subdivision
64 (1) of this subsection, the Department of Mental Health and Addiction
65 Services, under the auspices of the Department of Social Services, shall
66 perform an evaluation to determine whether the resident requires the
67 level of services provided by a nursing facility or requires specialized
68 services for mental illness.

69 ~~[(e)]~~ (f) In the case of a mentally ill resident who is determined
70 under subsection ~~[(d)]~~ (e) of this section not to require the level of
71 services provided by a nursing facility but to require specialized
72 services for mental illness and who has continuously resided in a
73 nursing facility for at least thirty months before the date of the
74 determination, the resident may elect to remain in the facility or to
75 receive services covered by Medicaid in an alternative appropriate
76 institutional or noninstitutional setting in accordance with the
77 alternative disposition plan submitted by the Department of Social
78 Services to the Secretary of the United States Department of Health
79 and Human Services, and consistent with the Department of Mental
80 Health and Addiction Services requirements for the provision of
81 specialized services.

82 ~~[(f)]~~ (g) In the case of a mentally ill resident who is determined
83 under subsection ~~[(d)]~~ (e) of this section not to require the level of
84 services provided by a nursing facility but to require specialized
85 services for mental illness and who has not continuously resided in a

86 nursing facility for at least thirty months before the date of the
87 determination, the nursing facility in consultation with the Department
88 of Mental Health and Addiction Services shall arrange for the safe and
89 orderly discharge of the resident from the facility. If the department
90 determines that the provision of specialized services requires an
91 alternate residential placement, the discharge and transfer of the
92 resident shall be made in accordance with the alternative disposition
93 plan submitted by the Department of Social Services and approved by
94 the Secretary of the United States Department of Health and Human
95 Services, except if an alternate residential placement is not available,
96 the resident shall not be transferred.

97 ~~[(g)]~~ [(h)] In the case of a resident who is determined under
98 subsection ~~[(d)]~~ [(e)] of this section not to require the level of services
99 provided by a nursing facility and not to require specialized services,
100 the nursing facility shall arrange for the safe and orderly discharge of
101 the resident from the facility.

102 ~~[(h)]~~ [(i)] Any person seeking admittance to a nursing facility or any
103 resident of a nursing facility who is adversely affected by a
104 determination of the Department of Mental Health and Addiction
105 Services under this section may appeal such determination to the
106 Department of Social Services ~~[within]~~ not later than fifteen days ~~[of]~~
107 after the receipt of the notice of a determination by the Department of
108 Mental Health and Addiction Services. If an appeal is taken to the
109 Department of Social Services the determination of the Department of
110 Mental Health and Addiction Services shall be stayed pending
111 determination by the Department of Social Services.

112 Sec. 2. Section 17b-360 of the 2006 supplement to the general statutes
113 is repealed and the following is substituted in lieu thereof (*Effective*
114 *October 1, 2006*):

115 (a) For purposes of this section, the terms "mental retardation", "a
116 condition related to mental retardation" and "specialized services" shall
117 be as defined in Subsection (e)(7)(G)(ii) of Section 1919 of the Social

118 Security Act and federal regulations.

119 [(b) No nursing facility may admit any new resident irrespective of
120 source of payment, who has mental retardation or has a condition
121 related to mental retardation unless the Department of Mental
122 Retardation has determined prior to admission based upon an
123 independent physical and mental evaluation performed by or under
124 the auspices of the Department of Social Services that because of the
125 physical and mental condition of the individual, the individual
126 requires the level of services provided by a nursing facility. If the
127 individual requires such level of services, the Department of Mental
128 Retardation shall also determine whether the individual requires
129 specialized services for such condition. An individual who is
130 determined by the Department of Mental Retardation to have mental
131 retardation or to have a related condition and is determined not to
132 require nursing facility level of services shall not be admitted to a
133 nursing facility. In order to implement the preadmission review
134 requirements of this section, and to identify applicants for admission
135 who may have mental retardation or have conditions related to mental
136 retardation and subject to the requirements of this section, nursing
137 facilities may not admit any individual irrespective of source of
138 payment, unless an identification screen developed, or in the case of
139 out-of-state residents approved, by the Department of Social Services
140 has been completed for the applicant and filed in accordance with
141 federal law.]

142 (b) A nursing facility may not admit any person, irrespective of
143 source of payment, unless an initial identification screen developed, or
144 in the case of out-of-state residents approved, by the Department of
145 Social Services to identify whether such person may be mentally
146 retarded or have a condition related to mental retardation has been
147 completed and filed in accordance with federal law. A nursing facility
148 shall not admit any applicant to the nursing facility who is initially
149 identified as being mentally retarded or having a condition related to
150 mental retardation, irrespective of source of payment, unless: (1) Such

151 applicant has undergone a second preadmission screening process by
152 which the Department of Mental Retardation determines whether the
153 applicant is mentally retarded or has a condition of mental retardation,
154 based upon an independent physical and mental evaluation performed
155 by or under the auspices of the Department of Social Services, and, if
156 so, whether such person requires the level of services provided by a
157 nursing facility and, if such person is mentally retarded or has a
158 condition of mental retardation and does require such level of services,
159 whether the person requires specialized services, and (2) the nursing
160 facility has been provided with a copy of the second preadmission
161 screening. A person who is determined to be mentally retarded or
162 have a condition related to mental retardation and not to require
163 nursing facility level services shall not be admitted to a nursing
164 facility.

165 (c) No payment from any source shall be due to a nursing facility
166 that admits a resident in violation of the preadmission screening
167 requirements of this section.

168 (d) A nursing facility shall notify the Department of Mental
169 Retardation when a resident who has mental retardation undergoes a
170 change in condition or when a resident who has not previously been
171 diagnosed as having mental retardation undergoes a significant
172 change in condition which may require specialized services. Upon
173 such notification, the Department of Mental Retardation, under the
174 auspices of the Department of Social Services, shall perform an
175 evaluation to determine whether the resident requires the level of
176 services provided by a nursing facility or requires specialized services
177 for mental retardation.

178 (e) In the case of a resident who is determined under subsection (d)
179 of this section not to require the level of services provided by a nursing
180 facility but to require specialized services for mental retardation or a
181 condition related to mental retardation and who has continually
182 resided in a nursing facility for at least thirty months before the date of
183 the determination, the resident may elect to remain in the facility or to

184 receive services covered by Medicaid in an alternative appropriate
185 institutional or noninstitutional setting in accordance with the terms of
186 the alternative disposition plan submitted by the Department of Social
187 Services and approved by the Secretary of the United States
188 Department of Health and Human Services.

189 (f) In the case of a resident with mental retardation or a related
190 condition who is determined under subsection [(d)] (e) of this section
191 not to require the level of services provided by a nursing facility but to
192 require specialized services for mental retardation or the related
193 condition and who has not continuously resided in a nursing facility
194 for at least thirty months before the date of the determination, the
195 nursing facility in consultation with the Department of Mental
196 Retardation shall arrange for the safe and orderly discharge of the
197 resident from the facility. If the department determines that the
198 provision of specialized services requires an alternative residential
199 placement, the discharge and transfer of the patient shall be in
200 accordance with the alternative disposition plan submitted by the
201 Department of Social Services and approved by the Secretary of the
202 United States Department of Health and Human Services, except if an
203 alternative residential facility is not available, the resident shall not be
204 transferred.

205 (g) In the case of a resident who is determined under subsection (d)
206 of this section not to require the level of services provided by a nursing
207 facility and not to require specialized services, the nursing facility shall
208 arrange for the safe and orderly discharge of the resident from the
209 facility.

210 (h) The Department of Mental Retardation shall be the agency
211 responsible for making the determinations required by this section on
212 behalf of individuals who have mental retardation and on behalf of
213 individuals with conditions related to mental retardation and may
214 provide services to such individuals to the extent required by federal
215 law.

216 (i) Any person seeking admittance to a nursing facility or any
217 resident of a nursing facility who is adversely affected by a
218 determination of the Department of Mental Retardation under this
219 section may appeal such determination to the Department of Social
220 Services [within] not later than fifteen days [of] after the receipt of the
221 notice of a determination by the Department of Mental Retardation. If
222 an appeal is taken to the Department of Social Services, the
223 determination of the Department of Mental Retardation shall be stayed
224 pending determination by the Department of Social Services.

225 Sec. 3. (*Effective July 1, 2006*) (a) The Commissioner of Mental Health
226 and Addiction Services, in collaboration with the Commissioners of
227 Social Services and Public Health, the State Ombudsman and the
228 Connecticut Alzheimer's Association, shall develop and implement a
229 pilot mobile Care Integration Team in one geographic region of the
230 state. The mobile Care Integration Team shall work with staff at
231 nursing home facilities, as defined by section 19a-521 of the general
232 statutes, to assist in assessment of residents with challenging
233 behaviors, implement appropriate interventions for such residents and
234 develop appropriate individualized behavioral health care plans for
235 such residents. The mobile Care Integration Team shall also provide
236 educational and training programs to staff at nursing home facilities
237 on dementia and mental illness, and on behavior management
238 techniques that nursing home facility staff can employ in their
239 interactions with residents who have dementia or mental illness.

240 (b) Not later than January 1, 2007, the Commissioner of Mental
241 Health and Addiction Services shall report, in accordance with section
242 11-4a of the general statutes, on the status of the development and
243 implementation of the pilot mobile Care Integration Team to the select
244 committee of the General Assembly having cognizance of matters
245 relating to aging, and to the joint standing committees of the General
246 Assembly having cognizance of matters relating to human services and
247 public health.

248 (c) For purposes of this section, "challenging behaviors" means

249 behaviors that are of such intensity, duration or frequency that the
 250 physical safety of the resident displaying the behavior, other residents
 251 or the staff of the nursing home facility is placed in serious jeopardy.

252 Sec. 4. (NEW) (*Effective October 1, 2006*) The Department of Mental
 253 Health and Addiction Services shall establish minimal reasonable
 254 standards for the care and treatment of persons with mental illness by
 255 nursing facilities. A nursing facility that admits persons who are
 256 mentally ill shall report on a quarterly basis to the Department of
 257 Public Health that such facility satisfies the minimal reasonable
 258 standards for the care and treatment of persons with mental illness as
 259 established by the Department of Mental Health and Addiction
 260 Services.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	17b-359
Sec. 2	<i>October 1, 2006</i>	17b-360
Sec. 3	<i>July 1, 2006</i>	New section
Sec. 4	<i>October 1, 2006</i>	New section

AGE*Joint Favorable Subst. C/R*

PH